

Notice of Allowability

Application No.

10/717,190

Examiner:

Joseph W. Drodge

Applicant(s)

TANNER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment and Terminal Disclaimer filed 11/19/04.
2. ☒ The allowed claim(s) is/are 1-17, 19 and 20, renumbered claims 1-19.
3. ☒ The drawings filed on 18 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0105.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Chuey on January 4, 2005.

The application has been amended as follows:

In claim 1, line 3 -- , including channels for trapping air, -- has been inserted after "float".

In claim 10, in line 1 "fir" has been replaced with -- for -- and in line 4 -- constructed and arranged to receive water as the device is filled and -- has been inserted after "member" .

In claim 15, a new line has been inserted after line 2 as presented in the 11/19/04 Amendment ("comprising:") as follows: - - a device having an upper chamber for contaminated water and a lower chamber for treated water; - - and in line 10 as presented in the 11/19/04 Amendment

-- , and said tray constructed and arranged to prevent particles of said material from entering said lower chamber-- has been inserted after "bottom".



The following is an examiner's statement of reasons for allowance: Independent claim 1 now distinguishes over previously identical claim 1 of parent patent 6,649,045

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and distinguishes over newly considered patents 5,785,844 and 5,536,394, of record in view of the now recited channels included in the float. Support for such limitation is found at page 6, lines 3-6 of the instant Specification. The float indicating device of '844 and '394 is buoyant, closed cell foam body.

Independent claim 10 also now distinguishes over identical claim 10 of '045 and over patents '844 and '394 in view of added limitation "member constructed and arranged to receive water as the device is filled. The movable member of '844 and '394 is itself a buoyant closed cell foam body which floats within a stationary chamber that receives water in fill cycles.

Independent claim 15 now distinguishes over the previously identically worded claims of '045 in view of recitation of the upper and lower chambers and construction and arrangement of the tray to prevent filter particle materials from entering the lower chamber. There is no suggestion within '844 or '394 of any device with either the structure or function of such tray.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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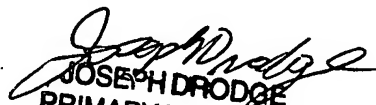
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at 571-272-1151. The fax phone number for the examining group where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

January 4, 2005


JOSEPH DRODGE
PRIMARY EXAMINER